

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE
(REV 10-2003)

ATTORNEY'S DOCKET NO.

890050.513USPC

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/516424

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**INTERNATIONAL APPLICATION NO.
PCT/JP03/06922INTERNATIONAL FILING DATE
June 2, 2003PRIORITY DATE CLAIMED
May 31, 2002

TITLE OF INVENTION

METHOD FOR RECORDING DATA IN OPTICAL RECORDING MEDIUM, AN APPARATUS FOR RECORDING DATA IN OPTICAL RECORDING MEDIUM AND OPTICAL RECORDING MEDIUM

APPLICANT(S) FOR DO/EO/US

Tatsuya Kato; and Hideki Hirata

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76
15. ☒ A substitute specification.
16. ☒ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: **Redlined Substitute Specification**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; margin-top: 5px;">10/516424</div>		INTERNATIONAL APPLICATION NO. PCT/JP03/06922		ATTORNEY'S DOCKET NUMBER 890050.513USPC	
-------------------------------------------------------------------------------------------------------------------------------------	--	-------------------------------------------------	--	--------------------------------------------	--

21. <input checked="" type="checkbox"/> The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1110.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$950.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$790.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$750.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>	CALCULATIONS PTO USE ONLY																										
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$950.00 \$.00																										
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">Claims</th> <th style="width:20%;">Number Filed</th> <th style="width:20%;">Number Extra</th> <th style="width:20%;">Rate</th> <th style="width:20%;"></th> </tr> <tr> <td>Total Claims</td> <td>22 - 20 =</td> <td>2</td> <td>x \$ 18.00</td> <td>\$36.00</td> </tr> <tr> <td>Independent Claims</td> <td>4 - 3 =</td> <td>1</td> <td>x \$ 88.00</td> <td>\$88.00</td> </tr> <tr> <td colspan="4">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$300.00</td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$1,074.00</td> </tr> </table>	Claims	Number Filed	Number Extra	Rate		Total Claims	22 - 20 =	2	x \$ 18.00	\$36.00	Independent Claims	4 - 3 =	1	x \$ 88.00	\$88.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$300.00	TOTAL OF ABOVE CALCULATIONS =				\$1,074.00	\$1,074.00	
Claims	Number Filed	Number Extra	Rate																								
Total Claims	22 - 20 =	2	x \$ 18.00	\$36.00																							
Independent Claims	4 - 3 =	1	x \$ 88.00	\$88.00																							
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$300.00																							
TOTAL OF ABOVE CALCULATIONS =				\$1,074.00																							
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.	\$.00																										
SUBTOTAL =	\$1,074.00																										
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	\$.00																										
TOTAL NATIONAL FEE =	\$1,074.00																										
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property	\$40.00																										
TOTAL FEES ENCLOSED =	\$1,114.00																										
	Amount to be refunded: Charged:																										

a. <input checked="" type="checkbox"/> A check in the amount of \$1,114 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 19-1090 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-1090. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.	<div style="text-align: center;"> _____ SIGNATURE </div> <div style="text-align: center; margin-top: 10px;"> David V. Carlson _____ NAME </div> <div style="text-align: center; margin-top: 10px;"> 31,153 _____ REGISTRATION NUMBER </div>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

David V. Carlson
 Seed Intellectual Property Law Group PLLC
 701 5th Avenue, Suite 6300
 Seattle, WA 98104-7092
 United States of America
 (206) 622-4900

 SIGNATURE

David V. Carlson

 NAME

31,153

 REGISTRATION NUMBER

EXPRESS MAIL NO. EV529825422US

Rec'd PCT/PTO 29 NOV 2004

10/516424

DECLARATION

I, Koichi OISHI Patent Attorney, of OISHI & PARTNERS, 4-1, Kandaawajicho 1-chome, Chiyoda-ku, Tokyo, Japan, hereby certify that I am the translator of the documents in respect of PCT International Application No. PCT/JP03/06922 filed on June 2, 2003 and that the following is a true and correct translation to the best of my knowledge and belief.



Koichi OISHI
Patent Attorney

Dated: November 9, 2004